



COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

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COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Terry Raney, Guardianship and Legal Services Coordinator,
Virginia Department for the Aging

DATE: May 13, 2003

SUBJECT: Age Discrimination in Employment

Unfortunately, seniors are often the victims of age discrimination in employment. Although there is no easy solution, the attached article offers some actions to take to avoid being a victim.

Enclosure



Facts About Age Discrimination in Employment

Age discrimination in employment is illegal, immoral and economically stupid.

Age discrimination is economically stupid because the best-qualified person is excluded for no good reason. Age discrimination is immoral because a person is not judged on ability or character but on factors over which the person has no control. Finally age discrimination is illegal.

The Age Discrimination in Employment Act of 1967 (ADEA), 29 United States Code §§ 621, *et seq.* protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of age with respect to any term, condition, or privilege of employment -- including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

The Interview

For many job seekers, the interview is the most difficult part of the job search process because of its impact on the hiring decision.

An interview is similar to a sales meeting; only you're forced into an unfamiliar marketing position where you're both the salesperson and product. You usually have less than half an hour to convince the interviewer that you're the best candidate for the position.

Part of convincing an interviewer you're right person for the job is your ability to demonstrate that you will be a good fit in the organization.

Addressing Long-Term Employment

Surprisingly, long-term experience with one company may be an albatross when you're searching for a new job. While dependability and loyalty are still valued, in today's marketplace, the average stay at a job is less than three years.

Because some employers may have a negative view about extended service with one company, be prepared for questions about your ability to deal with change or how well you can adapt to a different corporate culture during the interview.

Facing a Younger Interviewer

Being interviewed by someone much younger than you can add unexpected stress. This is very common in today's marketplace, and many interviewers are skilled at masking their personal thoughts and feelings. So it's quite possible that an older candidate can test a younger person's core beliefs about aging. Be prepared for the possibility of encountering trick interview questions or having to address unspoken biases.

While it may be in poor taste for an interviewer to ask age-related questions, in some instances it may not violate employment law. For example, "How old are you?" is not necessarily an illegal question. If you really want a position, though, and think an interviewer's question may have been motivated by poor judgment rather than negative age perceptions, temper your responses accordingly.

During the Interview

So how should you respond if you're asked inappropriate or invasive questions? "Keep a positive and professional tone," suggests Cindia Cameron, organizing director for 9to5. "Don't refuse to answer questions, but work at drawing the conversation back to your skills and experience." Cameron advises to redirect the question with your response.

You may be told that you are overqualified. What's the workaround for overqualified candidates? Go directly to the hiring manager to pitch your ability to excel in the open position.

Sell to the Employer's Need

Once you've found out as much as you can about the company and the position, you've got to imagine how your qualifications mesh perfectly with the job requirements. "If you're overqualified, you need to articulate how a handful of your skills will help that specific employer," says Nick Corcodilos, author of "Ask the Headhunter". At least at first, say nothing about higher-level skills that don't pertain to the position at hand.

Use Emphasis to Shape Employer Perceptions

More than you ever have before; you need to customize a one-page presentation of yourself. To de-emphasize those over-the-top elements of your professional background, "you can make some information more sparse, but you've got to be careful about misrepresenting yourself," says Corcodilos.

How do you tread this fine line? One solution is to create a functional resume where relevant skills are pumped up in detail toward the top of the resume, while overly impressive titles are demoted to the bottom and given little ink. Strategic emphasis is integral to persuasion; omission of recent, important rungs in your career ladder is unethical deception.

Make a Virtue of Your Extra Qualifications

In the interview, if your prospective employer says that your extraordinary qualifications cast doubt on your candidacy, recast your past as an asset to your future at the company. Emphasize that "you're getting somebody with the potential to move up," says Frances Haynes, coauthor with Daniel Porot of "101 Toughest Interview Questions".

Draw Out Objections; Don't Volunteer Them

Employers typically have the following objections to candidates with extra qualifications: You'll get bored quickly; you won't be satisfied with the salary; you'll jump to another company as soon as you get a better offer. "Employers are pretty reticent to hire overqualified people, because they believe when the economy picks up, they'll lose those people," says Haynes.

If you raise these issues early in the application process, you risk short-circuiting your candidacy. Instead, see what's on the minds of your interviewers by asking open-ended questions such as these: "What else do you need to hear to be convinced that I'm the best fit for the job?" Do you have any questions about my candidacy that I haven't yet had the chance to answer?" Just make sure you've already ferreted out all the tough questions that your work history could possibly raise -- and practiced answering them.

The Ultimate Issue

Finally, be prepared to answer one question that the interviewer may be too embarrassed to ask: Won't it be humiliating for you to take a job that many people would consider beneath you? You can address this issue indirectly through the positive attitude you convey in everything you say about the available position and your fitness for it. "You have to be perceived as the kind of person who believes there is honor in every job," says Haynes.

If an interviewer asks your age and does not hire you or labels you as "overqualified", you may have recourse under the ADEA. However, if you're not offered a position because another candidate was better qualified, that may very well be the case — the hiring manager may have gone with a candidate who had more relevant work or academic experience. If that happens, it may be time to self-assess and retool.

If you believe you have been discriminated against by an employer, labor union or employment agency when applying for a job or while on the job because of your age, or believe that you have been discriminated against because of opposing a prohibited practice or participating in an equal employment opportunity matter, you may file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC).

Charges may be filed in person, by mail or by telephone by contacting the nearest EEOC office. If there is not an EEOC office in the immediate area, call toll free 800-669-4000 or 800-669-6820 (TDD) for more information. To avoid delay, call or write beforehand if you need special assistance, such as an interpreter, to file a charge.

There are strict time frames in which charges of employment discrimination must be filed. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, adhere to the following guidelines when filing a charge.

The Future

Do not get discouraged. With networks, self-improvement, self-employment, volunteer work and continual activity in the community you improve your skills and contacts to eventually find a satisfying situation.

This article was adapted from:

1. Ageism at the Interview

by Linda Wiener

Monster Career Mentor

An article at <http://diversity.netscape.monster.com/olwo/articles/ageisminterview/>

2. Equal Employment Opportunity Commission material at <http://www.eeoc.gov/facts/age.html>

3. Illegal or Just Inappropriate?

Know Your Rights When It Comes to Interview Questions

by Kiki Peppard

Monster Contributing Writer

An article at <http://interview.monster.com/articles/illegalqs/>

4. Overqualified You

by John Rossheim

Monster Senior Contributing Writer

An article at <http://resume.monster.com/articles/overqualified/>



COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Jane Snead
Contract Coordinator

DATE: May 13, 2003

SUBJECT: Update on FY'03 Nutrition Services Incentive Program (NSIP) Funds

In the FY 2003 appropriations bill Congress transferred the Nutrition Services Incentive Program (NSIP) from the Department of Agriculture (USDA) to the Administration on Aging (AoA). AoA is currently working with USDA to complete the transfer of the program. Under the continuing resolution that was in effect the first few months of the fiscal year, we received partial NSIP funding from USDA. We recently received a grant award from AoA that brings us to approximately 75% of our funding for FY'03, and they hope to have final allocation made in the next couple of months.

Based on the awards we have received for the fiscal year, there is a possibility we will not receive sufficient funding to cover the NSIP allocations that have been made. Our best estimates indicate we will be short approximately \$20,000 and will have to deobligate funds. We wanted you to be aware of this possibility. We will keep you informed as additional information is received. If you have any questions, please contact me at (804) 662-9329.

cc: Jay W. DeBoer, J.D.
Tim M. Catherman





COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Human Services Program Coordinator

DATE: May 13, 2003

SUBJECT: U.S. Senate Special Committee on Aging Launches New Website for Seniors

Please find attached a news release from the Office of United States Senator Larry Craig on the new and improved Aging Committee website for senior citizens. Information on the website is presented in both English and Spanish. The news release cites the growing use of the internet by senior citizens in the United States and the country's Hispanic population and describes what information is available on the website.



NEWS FROM THE CHAIRMAN OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING

May 9, 2003

AGING COMMITTEE LAUNCHES NEW AND IMPROVED WEBSITE FOR SENIORS

-- Approximately 11 million people 65 and older now online --

(Washington, DC) U.S. Senator Larry Craig announced today that the Special Committee on Aging he chairs has launched a new and improved website for senior citizens, including those who read Spanish.

It is located at <http://aging.senate.gov>

"In this day and age when information is only a mouse click away, it's important that the work of our committee and information for seniors be as easy to access as possible. I believe that my committee's new website reflects that commitment," said Craig. "Older Americans are becoming a bigger part of the ever growing Internet equation, and it's important that we meet their needs."

The latest measures of the Internet indicate there are now an estimated 11 million people 65 and older in the United States currently on-line, and of those 50 and older, approximately 36 million are now using the Internet, according to The Harris Poll(r).

The growth in senior citizens using the Internet is part of an overall World Wide Web explosion. In 1995 there were an estimated 17.5 million American adults using the Internet -- today there are an estimated 140 million American adults now online -- a staggering 700 percent increase in just eight years.

(The Harris Poll numbers were calculated on 2,033 interviews conducted by telephone by Harris Interactive(r) during November and December 2002. The poll is said to have an error rate of less than two percentage points at a 95 percent confidence level.)

Sen. Craig said the newly improved Aging Committee website includes:

- Information directing seniors in need where to go to get help with prescription medications while Congress continues to work on adding a prescription drug benefit to Medicare
- News about Committee hearings and events -- now with pictures and a picture gallery which newspapers and others can download for publication
- A new video link called "Washington Report" which contains video news about hearings and happenings Craig is undertaking, as well as an online video welcome from the Senator
- Information about programs and services for seniors, as well as issues such as Social Security, Medicare, elder abuse, and long-term care, and links to legislation of interest
- An automatic list serve that allows anyone to receive news from the Committee
- The ability to view current and past hearings via the Internet, download prepared testimony and order full transcripts
- A fully developed Spanish language section

Craig said the Spanish language section is important for the growing Hispanic population.

"It is essential that everyone who comes to the U.S. learn to speak English, but while immigrants are learning, it's important that we reach out and help them become full participants in this society," Craig said.

According to ComScore Media Metrics, as of January 2003, approximately one-third of the Hispanic population in the United States is now on-line. The total number of American Hispanics is impressive -- Spanish-speaking households in the U.S. now using the Internet outnumber those in Spain by 11 percent, and the total number of American Hispanics on the Internet is now four percent larger than the combined online populations of Mexico, Argentina and Colombia.

The increasing use of the Internet by senior citizens and Hispanic Americans is part of another trend.

New data recently reported by the Pew Internet & American Life Project reports that 68 million Americans have now used government agency web sites -- a sharp increase from the 40 million who had used government sites in March 2000 when Pew officials first polled the public on the subject.

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For more information on data trends for Internet use see:

* Those with Internet Access to Continue to Grow but at a Slower Rate

http://www.harrisinteractive.com/harris_poll/index.asp?PID=356

* Pew Internet and American Life Project: Searching for government information

<http://www.pewinternet.org/reports/reports.asp?Report=64&Section=ReportLevel1&Field=Level1ID&ID=289>

* Hispanic Internet Users In U.S. Now Exceed The Total Online Population Of Many Major Spanish-Speaking Nations, comScore Reports <http://www.comscore.com/press/release.asp?id=306>

For more information contact:

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COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

AND: Nutrition Directors

FROM: Carol Cooper Driskill

DATE: May 13, 2003

SUBJECT: SERVICE STANDARDS TELECONFERENCE - NUTRITION DIRECTORS

During the AAA Nutrition Directors Fall Meeting and Training, it was suggested that a teleconference be held to discuss service standard implementation. The teleconference has been scheduled for **Wednesday, June 4 from 1:30 – 3:00 P.M.** Please see the attached flyer for specifics.

The cost per AAA for the 1.5 hour teleconference is \$31; you will be billed directly. Every minute over the designated time will cost .34 per minute. Please note the deadlines for reservations and cancellations.

The attached flyer also includes dates for upcoming training activities, including the workshop for congregate nutrition site staff on May 21 and annual training.

Please contact me at 804-662-9319 with any questions.



AAA Nutrition Directors Service Standards
Teleconference

Wednesday, June 4, 2003

1:30 – 3:00 PM

Cost: \$31 per AAA for toll free call-in telephone line.

Reservations: Call Carol Driskill at (804) 662-9319 by Friday, May 30

Cancellation Deadline: Monday, June 2 to avoid \$31 charge

To Be Discussed:

- Questions and answers about new service standards
- Service standard implementation by AAAs
- Optional Group Units for AMR reporting
- All discussions will result from AAA questions and comments

Service standards are available at
www.aging.state.va.us (Providers)

- Congregate Nutrition Services
- Guidelines for Sweets Served at the Congregate Nutrition Site
- Home Delivered Nutrition
- Disease Prevention & Health Promotion
- Health Education and Screening
- Socialization and Recreation
- Service standards are effective October 1, 2003

Upcoming Training Activities:

Wednesday, May 21 - **Motivating Clients to Stay Involved in Activity Programs** -
Piedmont Geriatric Hospital, Burkeville (Fee) – 4 spots left

Friday, Sept. 19 – **AAA Nutrition Directors Annual Fall Meeting & Training**,
Charlottesville

Questions? Contact Carol Driskill, VDA Program Coordinator
(804) 662-9319 or cdriskill@vdh.state.va.us

